

## **REMARKS**

Claims 1-13, 15, 17, 21-26, 30-32, 34 and 35 are pending in the application. Claims 1-13, 15, 17, 21-26, 30-32, 34 and 35 stand rejected.

### ***Claim Rejections – 35 USC § 103***

Claims 1-13, 15 and 17 stand rejected under 35 U.S.C 103(a) as being unpatentable over the combination of Blum in view of Kjaer and Gjerdingen. Claims 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Blum and Gjerdingen. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gjerdingen. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blum in view of Gjerdingen and Bahl.

Applicants respectfully disagree. Independent claims 1 has been further amended to further clarify the distinction over the cited references . Claim, for instance, recites:

*comparing the spectral feature vector to a classification chain containing pre-classified entries to determine at least one classification of the audio data wherein the classification chain data comprises a plurality of classification vectors, wherein each vector includes data representative of a spectral properties class as classified by humans and spectral properties characteristics as determined by digital signal processing; and classifying the audio input data by a human when the confidence in the at least one classification is low and adding a representation of the human classification of the audio input data to the classification vector.*

Amended claim 1 makes more clear that a classification chain that contains *pre-classified* entities is used to classify previously unclassified audio data. The pre-classified classification chain contains data that was classified by humans and digital signal processing. But the new data is not itself so classified. It is only compared and classified by comparison to the pre-classified data. The amendment makes clear that when the confidence in the classification of the audio data is low, then the audio data is classified by a human. This feedback loop ensures that the quality of the classification system increases over time as new audio data is encountered.

No such limitations are described by the combination of the three references, Blum, Kjaer, and Gjerdingen, that were combined by the examiner in an effort to find all of the claimed elements in the art.

As such, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 for at least the foregoing reasons.

Inasmuch as claims 2-13, 15, and 17 depend from claim 1, Applicants submit that they are also not obvious for at least the foregoing reasons.

Claims 21-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Blum and Gjerdingen.

As similarly described above, independent claim 21 was amended and recites in part:

comparing unclassified data to the classification chain to estimate a classification of the unclassified data wherein the classification chain data comprises a plurality of classification vectors, wherein each vector includes data representative of a spectral properties class as classified by humans and spectral properties characteristics as determined by digital signal processing; and

classifying the unclassified data by a human when the confidence in the estimate of the classification of the unclassified input data is low and adding a representation of the spectral feature of the human classification of the unclassified data to the classification vector.

A similar analysis to that described above. Unclassified data to the classification chain. The classification chain data comprises a plurality of classification vectors, wherein each vector includes data representative of a spectral properties class as classified by humans and spectral properties characteristics as determined by digital signal processing. The unclassified data is not itself classified by humans unless the confidence in the estimate of its classification is low. Neither Blum nor Gjerdingen teach or suggest such a method.

Accordingly, Applicants submit that claim 21 and its dependent claims 22-26 are non-obvious.

Claims 30-32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gjerdingen.

As similarly described above, independent claim 30 was amended and recites in part:

processing means for comparing an unclassified media entity to the classification chain data structure to determine an estimate of the spectral properties class of the unclassified media entity; and

processing means for adding a representation of the spectral properties of the unclassified media entity to the classification vector wherein the spectral properties of the unclassified media entity are performed by a human when the confidence in the estimate of the spectral properties class of the unclassified media entity is low.

A similar analysis to that described above applies. Gjerdingen simply fails to teach or suggest such limitations.

Accordingly, Applicants submit that claim 30 and its dependent claims 31-32 are non-obvious.

Claims 34 and 35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Blum in view of Gjerdingen and Bahl.

As similarly described above, independent claim 34 was amended and recites in part:

presenting the characteristic vector to the classification chain, which returns an estimate of the spectral properties; and  
classifying the digital audio information by a human when the confidence in the at least one classification is low and adding a representation of the spectral perceptual qualities to the classification chain.

A similar analysis to that described above applies. Blum in view of Gjerdingen and Bahl simply fails to teach or suggest such limitations.

Accordingly, Applicants submit that claim 34 and its dependent claim 35 are non-obvious.

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**PATENT**

### **CONCLUSION**

In the view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the application for any reason, the Examiner is encouraged to contact Applicants' representative.

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